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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,396	12/17/2003	William E. Mazzara JR.	GP-304224 (2760/145)	7990

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EXAMINER

VU, MICHAEL T

ART UNIT PAPER NUMBER

2617

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/738,396	<b>Applicant(s)</b> MAZZARA, WILLIAM E.	
	<b>Examiner</b> Michael Vu	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 19 April 2006.
- 2a)  This action is FINAL.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-20 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All   b)  Some \* c)  None of:
  - 1.  Certified copies of the priority documents have been received.
  - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

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### DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-7, 9-12, 14-15, 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Fingerhut (US 6,636,489).

Regarding **claims 1, 9, and 17**, Fingerhut teaches a method for operating a telematics unit comprising: receiving radio station information (see fig. 3, the activation request packet from the radio station, e.g, tracking device 5, to the network, e.g, 10, 14, 15, 17, 27 and 30. Note that the packet includes the4 MSN, GNA CUSTOMER INFO);

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detecting an initiation command received from a user interface (e.g., upon receiving the packet, the network 12 decrypts the MMS, GNA and compares to information stored in the network database; col. 7, ln. 44-60; col. 5, ln. 5-14 and col. 5, ln. 29 through col. 6, ln. 10); and providing the radio station information to the telematics unit responsive to the detected initiation command (see fig. 5, the network sending back the activation response packet that include the MSN, GNA, UNA). It is noted a telematics unit is defined as: In communications technology, **the linking of computers and telecommunications**. It is further noted that all network equipment and the tracking device 5 are computer-based equipment. Therefore, the network equipment and the tracking device 5 read on the context of the telematics unit.

Regarding **claims 2 and 10**, Fingerhut teaches a method of claim 1, further comprising receiving a communication command; and initiating a wireless communication via the telematics unit responsive to the received communication command (C6, 52-67 to C7, L1-23).

Regarding **claims 3 and 11**, Fingerhut teaches a method of claim 2, further comprising: determining if the initiated wireless communication is connected; initiating wireless voice communication from a user interface when the initiated wireless communication is connected; terminating the wireless communication when the initiated wireless communication is not connected; and reinitializing the terminated wireless communication via the telematics unit responsive to the received communication command (C1, L28-67 to C2, L1-36, C5, L1-65 device #5 not receive then re-send).

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Regarding **claims 4 and 12**, Fingerhut teaches a method of claim 1, further comprising initiating a wireless communication via the telematics unit responsive to the detected initiation command (C1, L28-67 to C2, L1-36, C5, L1-65 device #5 not receive then re-send).

Regarding **claims 6 and 14**, Fingerhut teaches a method of claim 1, wherein the radio station information is broadcast on a sub-carrier band (C7, L10-23, over-the-air off the service level such as frequency band).

Regarding **claims 7 and 15**, Fingerhut teaches a method of claim 1, wherein the user interface is a voice activated user interface (C1, L28-67 to C2, L1-36).

Regarding **claim 18**, Fingerhut teaches a method for operating a telematics unit within a mobile vehicle (telecommunication or information processing device, Fig. 4, Device #5, C7, L35-43), the method comprising; receiving radio station information (Fig. 4-5 between a device #5, and the service provider); detecting an initiation command received from a user interface (monitoring or controlling to detect from interfaces, Fig. 4); and providing the radio station information to the telematics unit responsive to the detected initiation command wherein the radio station information is received at an interactive radio module via a sub-carrier band of a radio signal.

However, Fingerhut teaches the activation or responsive method or process for a particular wireless electronic communications device/module in the vehicle/car, the device or module that having a serial number assigned by the manufacturer, a generic network address and unique network address that responded to the service provider to determine where the vehicle where about (Fig. 5, Module Serial Number MSN #32,

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Generic Network Address GNA #33, Unique Network Address UNA #34, C1, L28-67 to C2, L1-22, C5, L5-14, C7, L35-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fingerhut, such that detecting an initiation command received from a user; and providing the radio station information to the telematics unit responsive to the detected initiation command, to provide the better automated service or process for managing an over-the-air activation or deactivation device on the vehicle.

Regarding **claim 19**, Fingerhut teaches a method of claim 18 wherein the interactive radio module includes a visual user interface and physical user interface and is configured to receive commands from the physical user interface and store received radio station information (Fig. 4-5, C1, L28-67 to C2, L1-36, C4, L49-67 to C5, L1-65).

Regarding **claim 20**, Fingerhut teaches a method of claim 1 wherein the radio station information is received at an interactive radio module via a sub-carrier band of a radio signal C7, L10-23), and wherein the radio station information includes a radio station telephone number (C1, L28-52), and wherein the initiation command is received responsive to a radio station broadcast, and wherein the radio station telephone number is passed to the telematics unit via a communication bus responsive to the initiation command (Fig. 4-5, C1, L28-67 to C2, L1-36, C4, L49-67 to C5, L1-65).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 8, 13 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fingerhut in view of Treyz (US 6,711,474).

Regarding **claims 5 and 13**, Fingerhut teaches a method of claim 1, wherein the radio station information is selected from the group consisting of: radio station identification, radio station telephone number, one or more radio station messages, **but is silent on** alert data such as traffic hotline reports, government emergency alerts, weather alerts, sports scores and stock quotes;

However, Treyz teaches an automobile system is provided wirelessly interact with different servers have different services such as Internet Service such as weather, news, stock quotes etc. (C28, L35-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fingerhut, such that one or more radio station messages, alert data such as traffic hotline reports, government emergency alerts, weather alerts, sports scores and stock quotes, to provide the flexibility of services while traveling.

Regarding **claim 8 and 16**, Fingerhut /Treyz teach a method of claim 1, wherein the user interface is manually operable push button user interface (C1, L28-61) of Treyz.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Vu



**DUC NGUYEN  
PRIMARY EXAMINER**